

IN THE DRAWINGS

A correction proposed for Figure 2 is enclosed in which the cylindrical stem is added for the Examiner's approval. Also, reference character 49 is added to the specification at page 4.

REMARKS

The Examiner has rejected claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Nos. 1,304,394 to Shyer in view of U.S. Patent No. 4,395,065 to Nelson et al (Nelson). The Shyer patent discloses a security brace comprising a plurality of pole members having upper and lower ends. The Shyer patent does not disclose a foot member located on the lower end, that the block member is "secured" to the upper ends of the poles and that the yoke extends upwardly from the top surface.

The Nelson patent teaches the use of a foot member (22) attached at the end of the pole (10). The Nelson patent further teaches that it is well known in the art to have a block member secured to the upper end of the pole wherein a yoke extends upwardly from the top surface of the block member. However, the yoke member in the Nelson and Shyer patents are both uniquely different from the yoke member of the present invention. First, the yoke member in the Shyer patent does not extend upwardly from a base member, rather, the Shyer patent discloses a locking member that has a semicircular groove to engage and secure the doorknob. Therefore, the present invention, unlike the Shyer patent has the yoke extend upward from the base member, rather than being integrated into the base member. Second, the Nelson patent tapers the yoke extending from the base member so that the yoke is wedged underneath the doorknob and extends in a straight line toward the base member.

In the present invention, the yoke comprises a rounded tubular base and a head member. The yoke base is perpendicular to the top planar surface of the base member and the head member slopes at a predetermined angle to the longitudinal axis of the yoke base. This enables the yoke member to rest flush against the knob of the lockset.

In the Nelson patent, when force is applied to the door, the tip of the yoke will grind into the door. When force is applied to the door in operation of the device described in the Nelson patent, either the doorknob will be broken off from the lockset as the yoke is pushed against the doorknob, or an unsightly gash is left in the door. In contrast, with the present invention, because the head member of the yoke slopes at a predetermined angle to the longitudinal axis of the yoke base, the yoke rests flush up against the doorknob so there is little to no risk of damage to the doorknob or the door.

An additional difference between the present invention and the prior art patents cited by the Examiner is that the rounded tubular yoke base fits over a cylindrical stem projecting upward from the top surface of the block member.

There are substantial differences between U.S. Patent No. 5,064,232 to Quarberg and the present invention. First, in the Quarberg patent, the cylindrical post 48 projects downwardly from the block member into a central opening in the tube segment. Conversely, in the present invention, the stem extends upwardly into the yoke member. Second, the base of the yoke does not include either a rounded tubular yoke base or a head member. Instead, the yoke of the Quarberg patent is a single integrated unit.

Independent claim 1 has been amended to include language claiming the configuration of the yoke, making it distinct from the yokes described in the Shyer, Nelson and Quarberg patents. Favorable reconsideration of the amended claim is respectfully requested. Because claims 2-7 depend from now amended claim 1, favorable reconsideration of these claims is also respectfully requested.

In addition, claims 8-20 have been added based on the Examiner's suggestions.

The Examiner has noted that claim 7 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. New independent claim 8 includes all of the limitations of the original claim 1 plus the limitations of claim 7. Claims 9-13 depend from new claim 8 and include all of the limitations of the previous dependent claims.

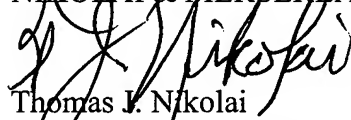
New claim 14 includes all of the limitations of amended independent claim 1 plus the limitations of claim 7. Claims 15-19 all depend from new independent claim 14 and include all of the limitations of the original dependent claims.

In addition, the drawings and specification have been amended as requested by the Examiner and favorable reconsideration is respectfully requested.

In view of the foregoing amendments, it is believed that the application is now in condition for allowance and such action is respectfully requested. If any points remain in issue which the Examiner feels could best be resolved by either a personal or telephone interview, he is urged to contact applicant's attorney at the exchange listed below.

Respectfully submitted,

NIKOLAI & MERSEREAU, P.A.

A handwritten signature in black ink, appearing to read "T. J. Nikolai", is written over the printed name.

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